

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN DELOACH,

Plaintiff,

v.

CV 12-0749 KBM/WPL

WAL MART STORES, Inc., et al.,

Defendants.

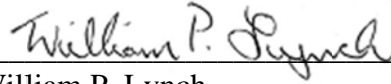
ORDER GRANTING DEFENDANT'S SECOND MOTION TO COMPEL

On March 25, 2013, Defendant Wal-Mart Stores, Inc., filed a motion to compel responses to Interrogatory No. 21 and Request for Production ("RFP") No. 19. (Doc. 55.) Interrogatory No. 21 asked Plaintiff John Deloach to identify any bank or credit account that he or any household member used to purchase food between May 1, 2008, and May 15, 2009. (*Id.* at 5.) RFP No. 19 asked Deloach to sign and return a release form that would permit Wal-Mart to discover information about his financial records specific to his purchase of groceries. (*Id.*)

Deloach's response was due on April 11, 2013, but he did not file a response in opposition. *See* FED. R. CIV. P. 6(d); D.N.M.LR-Civ. 7.4(a). The failure to respond in opposition constitutes consent to grant the motion. *See* D.N.M.LR-Civ. 7.1(b). Wal-Mart filed a notice of briefing complete on April 16, 2013. (Doc. 62.) Because Deloach has consented to the motion, I grant Wal-Mart's motion to compel, and I order Deloach to fully respond to both discovery requests **within fourteen days from the entry of this order**. Additionally, I will grant Wal-Mart's request to extend discovery for the limited purpose of permitting it to request or subpoena

financial records until **June 3, 2013**. In light of this new discovery deadline, dispositive motions will be due no later than **June 17, 2013**.

IT IS SO ORDERED.

A handwritten signature in dark ink, reading "William P. Lynch", is positioned above a horizontal line.

William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any *pro se* party as they are shown on the Court's docket.